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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BLAKE LIVELY,

Plaintiff,

-v-

WAYFARER STUDIOS LLC, JUSTIN BALDONI,
JAMEY HEATH, STEVE SAROWITZ, IT ENDS WITH
US MOVIE LLC, MELISSA NATHAN, THE AGENCY
GROUP PR LLC, JENNIFER ABEL, JED WALLACE,
STREET RELATIONS INC.,

Defendants.

24-cv-10049 (lead case);
25-cv-449

ORDER

WAYFARER STUDIOS LLC, JUSTIN BALDONI,
JAMEY HEATH, IT ENDS WITH US MOVIE LLC,
MELISSA NATHAN, JENNIFER ABEL, STEVE
SAROWITZ,

Plaintiffs,

-v-

BLAKE LIVELY, RYAN REYNOLDS, LESLIE
SLOANE, VISION PR, INC., THE NEW YORK TIMES
COMPANY,

Defendants.

LEWIS J. LIMAN, United States District Judge:

This order addresses the motion of Blake Lively (“Lively”) to compel Wayfarer Studios LLC and It Ends With Us Movie LLC (together, the “Wayfarer Entities”) to produce materials responsive to Lively’s Fourth Set of Requests for Production. Dkt. No. 228. The Wayfarer Entities have opposed the motion, Dkt. No. 233, and Lively has sought leave to file a reply, Dkt. No. 239. The motion for leave to file a reply is granted.

The Wayfarer Entities state that they can neither produce the responsive documents nor determine whether they are privileged because they do not have the documents. Dkt. No. 233. However, “documents in the possession of a party’s current or former counsel are deemed to be within that party’s possession, custody and control.” *MTB Bank v. Fed. Armored Exp., Inc.*, 1998 WL 43125, at *4 (S.D.N.Y. Feb. 2, 1998); *see Seawolf Tankers Inc. v. Laurel Shipping LLC*, 345 F.R.D. 55, 59 (S.D.N.Y. 2023) (“A party has control if it ‘has the legal right to obtain the document, even though in fact it has no copy.’” (quoting 8B Charles A. Wright, Arthur R. Miller & Richard L. Marcus, *Fed. Practice & Procedure* § 2210 (3d ed. 2020))). In addition, the category of “all documents and communications concerning the investigation,” Dkt. No. 228, clearly includes documents already possessed by the Wayfarer Entities, such as their engagement letter with the investigators and other correspondence.

By 5:00 p.m. on Thursday, June 12, 2025, the Wayfarer Entities shall show cause why they should not be ordered to produce all responsive documents, including asserting any claims of privilege.

The Clerk of Court is respectfully directed to close Dkt. No. 239.

SO ORDERED.

Dated: June 10, 2025
New York, New York



LEWIS J. LIMAN
United States District Judge